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**Raised Bill 5388
Public Hearing 3-9-12**

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION
DATE: MARCH 9, 2012

RE: *OPPOSITION TO RAISED BILL NO. 5388*
AAC Court Fees and the Delivery of Legal Services to the Poor

The Connecticut Trial Lawyers Association ("CTLA") respectfully opposes Raised Bill No. 5388 as currently drafted. The CTLA certainly supports and agrees that additional funds are needed to support Connecticut's legal aid services, as well as the computer upgrades sought by the Judicial Department. However, the CTLA opposes Bill No. 5388 because it places an unfair and disproportionate burden for the costs of this effort on plaintiffs in civil actions, and the trial bar in general.

The proposed Bill raises certain existing civil filing fees and adds a new \$125.00 fee each time a trial claim is filed in a case. This filing, known also as a Certificate of Closed Pleadings, must be filed in every civil lawsuit. The filing, however, is almost always submitted by the plaintiff prosecuting the case because without it, the case does not progress in the court system. The purpose of the filing is to simply alert the Court that the pleading process has concluded so that it can then schedule the rest of the discovery and ultimately a trial date for the case. For this reason, the Certificate of Closed Pleadings is rarely filed by the defendant.

Eventually, this new fee is borne by the individual plaintiff. In personal injury cases, the plaintiff is frequently an individual who has sustained a serious or life altering injury, is disabled and unable to work. From a standpoint of public policy, the burden of funding legal services should not be placed disproportionately on this class of individuals, who already pay \$300.00 to file a civil case and another \$425.00 if they seek a jury trial.

Additionally, the bill fails to spread the cost across all areas of law where legal services are consumed. Transactional attorneys, real estate attorneys, probate attorneys and their clients, as well as other attorneys and clients outside of the litigation context, are excluded from the effort. As such, this bill unfairly places the burden on one particular practice area, namely civil litigation, rather than across all areas of practice where legal services are consumed.

The CTLA would certainly be willing to participate with the Connecticut Bar Association and the Judicial Department in an effort to reach equitable alternatives that will achieve the same very worthwhile goal.

Accordingly, CTLA respectfully opposes Raised Bill No. 5388.